

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:
	: 3:18-cr-0097
v.	: (Judge Mariani)
	:
ROSS ROGGIO,	:
ROGGIO CONSULTING, LLC,	:
	:
Defendants.	:

ORDER

The background of this Order is as follows:

The Court's December 2, 2022, Memorandum Opinion (Doc. 194) and Order (Doc. 195) addressed Defendant's Motion to Suppress (Doc. 172) wherein Defendant Roggio sought an evidentiary hearing to determine if a recording turned over by the Government in discovery are unlawful wiretaps that must be suppressed pursuant to 18 U.S.C. § 2511. The Court concluded that Defendant had proffered sufficient information to warrant an evidentiary hearing concerning the admissibility of the recording at issue and deferred scheduling the hearing pending further information about "the witnesses who will testify at the hearing, the need for translators, and other relevant data." (Doc. 194 at 9.)

The Government requested that the hearing take place at the time of trial "so that the witness need not travel from Estonia to the United States twice." (Doc. 175 at 15.) Defendant also indicated that he has two potential suppression hearing witnesses who would be traveling from outside the country. (Doc. 179 at 4.) Given the location of at least

some of the potential suppression hearing witnesses, the Court intends to hold the suppression hearing following jury selection set to commence on May 8, 2023.

Further, because the Government intends to call a witness who may need a translator, the Court directs the Government's attention to the Guide to Judiciary Policy, Volume 5, Chapter 2, Section 215 which provides as follows:

- (a) If a government witness speaks only or primarily a language other than English and requires an interpreter, the U.S. attorney is responsible for securing and paying for such services (28 U.S.C. § 1827(c)(2)). **See:** Guide, Vol. 5, § 330.10(a).
 - (1) There is no statutory requirement that the same interpreter serve persons who require interpreter services in a case.
 - (2) The decision whether an interpreter is needed is left to the discretion of the presiding judge (28 U.S.C. § 1827(d)(1)).

Guide, Vol. 5, § 215(a).

ACCORDINGLY, THIS 4 DAY OF APRIL 2023, IT IS HEREBY ORDERED

THAT to the extent the Government intends to call any witnesses at the suppression hearing and/or at trial whose ability to speak and understand English requires the services of a translator, the Government is directed to secure the necessary interpretive services required for any such witness.



Robert D. Mariani
United States District Judge